

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

NATHANIEL POWELL,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Criminal No. 2:16cr97-02

AMENDED ORDER

This Court previously denied Petitioner Nathaniel Powell's Motion to Vacate, Set Aside, or Correct Sentence (ECF No. 168) by Order filed on June 24, 2021. ECF No. 217. Petitioner subsequently filed a Motion for Certificate of Appealability. ECF No. 219. The United States Court of Appeals for the Fourth Circuit has remanded the action for the limited purpose of permitting this Court to supplement the record with an order granting or denying a certificate of appealability.

The Court has reviewed the action and all of the briefing submitted therein. The analysis and conclusions provided in the Court's Order (ECF No. 217) are adopted in full by this Amended Order. The Court **DENIES** a certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure, because Petitioner has failed to demonstrate a "substantial showing of the denial of a

constitutional right.” 28 U.S.C. § 2253(c)(2); *Miller v. Cockrell*, 537 U.S. 322, 335–38 (2003). The Motion for Certificate of Appealability (ECF No. 219) is **DENIED**.

The Clerk is **REQUESTED** to forward a copy of this Order to Petitioner Nathaniel Powell, his defense counsel, and the Assistant United States Attorney. The Clerk of the Court is requested to return the Record, as supplemented, to the United States Court of Appeals for the Fourth Circuit.

IT IS SO ORDERED.

July 1, 2021
Norfolk, Virginia

/s/
Arenda L. Wright Allen
United States District Judge